

HOVER AND ABELARD GUTHRIE,

[To accompany bill H. R. No. 543.]

JULY 21, 1842.

Mr. BREWSTER, from the Committee on the Public Lands, made the following

REPORT:

*The Committee on the Public Lands, to whom was referred the petition of Jacob Hover and Abelard Guthrie, report:*

The petitioners state, in substance, that, in the spring of 1841, they heard that certain tracts of land, lying on or near the river St. Joseph, in the Lima Ohio land district, were vacant and subject to private entry; but, in order to be certain of the fact, the petitioners wrote to the honorable Patrick G. Goode, one of the members of this House, and their Representative in Congress, giving him a description of the lands they wished to purchase, and desiring him to ascertain, at the General Land Office, the true situation of the lands sought; that Mr. Goode applied to the Commissioner of the General Land Office for the desired information, and received in reply the letter hereunto annexed.

The petitioners further state that, giving full faith and credence to the information thus derived from the Commissioner, they, at very considerable sacrifice, raised specie funds to make the entries, and entered the land they desired to purchase accordingly, and, in good faith, made sales of portions of the lands thus purchased; that, subsequently, they were notified that their purchases were considered invalid at the General Land Office, for the reason that, the lands having been once withdrawn from sale by a rule of the land office, thirty days' notice should have been given in some public paper in their vicinity before they could be entered at private sale.

This case is similar in principle to the case of Michael Sullivant, fully reported upon by this committee during the present session of Congress, with the exception, that in this case the entries were authorized by the Commissioner of the General Land Office, and in the case of Sullivant by the register of the Lima land district; a difference that most assuredly does not lessen the merits of the present claim. In that case the committee decided that, when a purchaser entered lands at private sale in good faith, under the authority, and with the sanction of the agent of the Government commissioned to discharge that duty, (if such entries were not repugnant to any public law,) though they might be informal as regards the regulations of the land office, such purchaser would be entitled to relief in justice and equity, and more especially when, as in this case, the United States have received all for their lands that they would be entitled to receive in any contingency.

The committee therefore report a bill, and recommend its passage.

GENERAL LAND OFFICE, June 23, 1841.

SIR: In answer to your inquiries of the 22d instant, in relation to certain tracts of land in the Lima district, Ohio, viz: "whether they are now subject to entry at private sale," and, if not, "what is the obstacle, and the whole condition of the land," I have to answer that, of the north half of section 1, township 6 north, range 1 east, the northwest quarter has been sold, and the northeast quarter is vacant and subject to private entry; of the southeast quarter of section 3, township 6 north, range 1 east, the southeast fraction has been sold; the northeast fraction, and west part thereof, is vacant and subject to private entry; of the southeast quarter of section 35, township 7 north, range 1 east, all is vacant and subject to private entry, except the southeast fraction, south of river, containing 3.72 acres; of the northeast fraction and southwest fraction part of section 6, township 7 north, range 1 east, the northeast fraction and west part of southwest is vacant; the east half southwest, containing 62.36 acres, is sold; of the east fraction of section 19, township 7 north, range 2 east, the east fraction of northeast quarter, containing 10.46 acres, the east fraction of southeast quarter, containing 14.8 acres, and the south fraction of southeast quarter, containing 3.36 acres, are sold; the residue is vacant and subject to private entry; of the southwest fractional quarter of section 20, township 7 north, range 2 east, the west fraction, containing 20.69 acres, has been sold; the residue is vacant; of the west half and northeast fraction of section 31, township 7 north, and range 2 east, the northeast fraction, containing 16.47 acres, has been sold; the residue is vacant and subject to private entry; of the south fraction of section 30, township 7 north, range 2 east, the southeast fraction of the south half, containing 59.62 acres, has been sold; the residue is vacant and subject to private entry.

As requested, the list of the lands, respecting which your inquiries are made, and which was received with your letter, is herewith returned.

I am, sir, very respectfully, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

Hon. P. G. GOODE,

*House of Representatives.*